

AMENDED IN SENATE APRIL 10, 2012

SENATE BILL

No. 1521

Introduced by Senator Liu

February 24, 2012

An act to amend Sections 361.5, 10618.6, 16118, 16206, 16501.1, and 16601 of the Welfare and Institutions Code, relating to child welfare services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1521, as amended, Liu. Child welfare services.

Existing federal law, the original Child Abuse Prevention and Treatment Act of 1974 (CAPTA), provided assistance to states to develop child abuse and neglect identification and prevention programs. Existing federal law, the CAPTA Reauthorization Act of 2010 and the Child and Family Services Improvement and Innovation Act, among other provisions, provide funding for child abuse and neglect prevention and other child and family services programs, and require the amendment of applicable state plans.

Under existing law, except under specified circumstances, whenever a child is removed from a parent's or guardian's custody, the juvenile court is required to order the social worker to provide designated child welfare services, including family reunification services, to the child and the child's mother and statutorily presumed father or guardians. Existing law does not require provision of family reunification services, in cases in which the court has made one or more specified findings regarding the qualifications of the parent or guardian.

This bill would include as a situation when family reunification would not be required when a parent has been required by the court to be registered on a sex offender registry under a specified federal law.

Existing law requires a county welfare department to request a consumer disclosure, pursuant to federal law, on behalf of a youth in a foster care placement in the county, when the youth reaches his or her 16th birthday, in order to ascertain whether the youth has been the victim of identity theft, as specified. Existing law suspends implementation of these provisions until July 1, 2013.

This bill would revise and expand these consumer disclosure and identity theft provisions, by including nonminor dependents and requiring assistance to be given by the county welfare department or county probation department on an annual basis while a youth is under the jurisdiction of the juvenile court. The bill would require information relating to the yearly consumer credit report to be included in the youth's or nonminor dependent's case plan, as specified. By increasing county duties, the bill would impose a state-mandated local program.

Existing law requires the State Department of Social Services to actively seek and maximize use of federal funds made available for purposes of the Adoption Assistance Program.

This bill would revise certain documentation and reporting requirements for federal adoption assistance funds, as specified.

Existing law requires the State Department of Social Services to select and award a grant to a private nonprofit or public entity for the purpose of establishing a statewide multipurpose child welfare training program. Existing law requires the training program, among other duties, to annually assess the program's performance and forward it to the department for an evaluation and report to the Legislative Analyst.

This bill would revise the assessment procedures for the child welfare training program, including specifically requiring the assessment of the training program in each county, and by eliminating the requirement to report to the Legislative Analyst. This bill also would revise the required contents of the assessment.

This bill would revise the requirements for the number and location of monthly caseworker visits for foster children. The bill would require the State Department of Social Services and county welfare and probation departments to collect and provide data reporting requirements necessary to comply with specified federal law.

Existing law defines various terms for purposes of the administration by the State Department of Social Services of federal Promoting Safe and Stable Families funds, including certain family support services, and family reunification services. Counties that choose to utilize these

federal funds are required to establish a local planning body and develop county plans as required by the department.

This bill would expand the definitions of these services to include specified mentoring activities, support groups, and other services and activities to facilitate access and visitation of children with their parents and siblings.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~This bill would declare the intent of the Legislature to enact legislation to comply with the requirements of the CAPTA Reauthorization Act of 2010 and the Child and Family Services Improvement and Innovation Act.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 361.5 of the Welfare and Institutions
2 Code, as amended by Section 1 of Chapter 59 of the Statutes of
3 2011, is amended to read:
4 361.5. (a) Except as provided in subdivision (b), or when the
5 parent has voluntarily relinquished the child and the relinquishment
6 has been filed with the State Department of Social Services, or
7 upon the establishment of an order of guardianship pursuant to
8 Section 360, whenever a child is removed from a parent's or
9 guardian's custody, the juvenile court shall order the social worker
10 to provide child welfare services to the child and the child's mother
11 and statutorily presumed father or guardians. Upon a finding and
12 declaration of paternity by the juvenile court or proof of a prior
13 declaration of paternity by any court of competent jurisdiction, the
14 juvenile court may order services for the child and the biological
15 father, if the court determines that the services will benefit the
16 child.

1 (1) Family reunification services, when provided, shall be
2 provided as follows:

3 (A) Except as otherwise provided in subparagraph (C), for a
4 child who, on the date of initial removal from the physical custody
5 of his or her parent or guardian, was three years of age or older,
6 court-ordered services shall be provided beginning with the
7 dispositional hearing and ending 12 months after the date the child
8 entered foster care as defined in Section 361.49, unless the child
9 is returned to the home of the parent or guardian.

10 (B) For a child who, on the date of initial removal from the
11 physical custody of his or her parent or guardian, was under three
12 years of age, court-ordered services shall be provided for a period
13 of six months from the dispositional hearing as provided in
14 subdivision (e) of Section 366.21, but no longer than 12 months
15 from the date the child entered foster care as defined in Section
16 361.49 unless the child is returned to the home of the parent or
17 guardian.

18 (C) For the purpose of placing and maintaining a sibling group
19 together in a permanent home should reunification efforts fail, for
20 a child in a sibling group whose members were removed from
21 parental custody at the same time, and in which one member of
22 the sibling group was under three years of age on the date of initial
23 removal from the physical custody of his or her parent or guardian,
24 court-ordered services for some or all of the sibling group may be
25 limited as set forth in subparagraph (B). For the purposes of this
26 paragraph, “a sibling group” shall mean two or more children who
27 are related to each other as full or half siblings.

28 (2) Any motion to terminate court-ordered reunification services
29 prior to the hearing set pursuant to subdivision (f) of Section 366.21
30 for a child described by subparagraph (A) of paragraph (1), or
31 prior to the hearing set pursuant to subdivision (e) of Section
32 366.21 for a child described by subparagraph (B) or (C) of
33 paragraph (1), shall be made pursuant to the requirements set forth
34 in subdivision (c) of Section 388. A motion to terminate
35 court-ordered reunification services shall not be required at the
36 hearing set pursuant to subdivision (e) of Section 366.21 if the
37 court finds by clear and convincing evidence one of the following:

38 (A) That the child was removed initially under subdivision (g)
39 of Section 300 and the whereabouts of the parent are still unknown.

40 (B) That the parent has failed to contact and visit the child.

1 (C) That the parent has been convicted of a felony indicating
2 parental unfitness.

3 (3) Notwithstanding subparagraphs (A), (B), and (C) of
4 paragraph (1), court-ordered services may be extended up to a
5 maximum time period not to exceed 18 months after the date the
6 child was originally removed from physical custody of his or her
7 parent or guardian if it can be shown, at the hearing held pursuant
8 to subdivision (f) of Section 366.21, that the permanent plan for
9 the child is that he or she will be returned and safely maintained
10 in the home within the extended time period. The court shall extend
11 the time period only if it finds that there is a substantial probability
12 that the child will be returned to the physical custody of his or her
13 parent or guardian within the extended time period or that
14 reasonable services have not been provided to the parent or
15 guardian. In determining whether court-ordered services may be
16 extended, the court shall consider the special circumstances of an
17 incarcerated or institutionalized parent or parents, or parent or
18 parents court-ordered to a residential substance abuse treatment
19 program, including, but not limited to, barriers to the parent's or
20 guardian's access to services and ability to maintain contact with
21 his or her child. The court shall also consider, among other factors,
22 good faith efforts that the parent or guardian has made to maintain
23 contact with the child. If the court extends the time period, the
24 court shall specify the factual basis for its conclusion that there is
25 a substantial probability that the child will be returned to the
26 physical custody of his or her parent or guardian within the
27 extended time period. The court also shall make findings pursuant
28 to subdivision (a) of Section 366 and subdivision (e) of Section
29 358.1.

30 When counseling or other treatment services are ordered, the
31 parent or guardian shall be ordered to participate in those services,
32 unless the parent's or guardian's participation is deemed by the
33 court to be inappropriate or potentially detrimental to the child, or
34 unless a parent or guardian is incarcerated and the corrections
35 facility in which he or she is incarcerated does not provide access
36 to the treatment services ordered by the court. Physical custody of
37 the child by the parents or guardians during the applicable time
38 period under subparagraph (A), (B), or (C) of paragraph (1) shall
39 not serve to interrupt the running of the period. If at the end of the
40 applicable time period, a child cannot be safely returned to the

1 care and custody of a parent or guardian without court supervision,
2 but the child clearly desires contact with the parent or guardian,
3 the court shall take the child's desire into account in devising a
4 permanency plan.

5 In cases where the child was under three years of age on the date
6 of the initial removal from the physical custody of his or her parent
7 or guardian or is a member of a sibling group as described in
8 subparagraph (C) of paragraph (1), the court shall inform the parent
9 or guardian that the failure of the parent or guardian to participate
10 regularly in any court-ordered treatment programs or to cooperate
11 or avail himself or herself of services provided as part of the child
12 welfare services case plan may result in a termination of efforts
13 to reunify the family after six months. The court shall inform the
14 parent or guardian of the factors used in subdivision (e) of Section
15 366.21 to determine whether to limit services to six months for
16 some or all members of a sibling group as described in
17 subparagraph (C) of paragraph (1).

18 (4) Notwithstanding paragraph (3), court-ordered services may
19 be extended up to a maximum time period not to exceed 24 months
20 after the date the child was originally removed from physical
21 custody of his or her parent or guardian if it is shown, at the hearing
22 held pursuant to subdivision (b) of Section 366.22, that the
23 permanent plan for the child is that he or she will be returned and
24 safely maintained in the home within the extended time period.
25 The court shall extend the time period only if it finds that it is in
26 the child's best interest to have the time period extended and that
27 there is a substantial probability that the child will be returned to
28 the physical custody of his or her parent or guardian who is
29 described in subdivision (b) of Section 366.22 within the extended
30 time period, or that reasonable services have not been provided to
31 the parent or guardian. If the court extends the time period, the
32 court shall specify the factual basis for its conclusion that there is
33 a substantial probability that the child will be returned to the
34 physical custody of his or her parent or guardian within the
35 extended time period. The court also shall make findings pursuant
36 to subdivision (a) of Section 366 and subdivision (e) of Section
37 358.1.

38 When counseling or other treatment services are ordered, the
39 parent or guardian shall be ordered to participate in those services,
40 in order for substantial probability to be found. Physical custody

1 of the child by the parents or guardians during the applicable time
2 period under subparagraph (A), (B), or (C) of paragraph (1) shall
3 not serve to interrupt the running of the period. If at the end of the
4 applicable time period, the child cannot be safely returned to the
5 care and custody of a parent or guardian without court supervision,
6 but the child clearly desires contact with the parent or guardian,
7 the court shall take the child's desire into account in devising a
8 permanency plan.

9 Except in cases where, pursuant to subdivision (b), the court
10 does not order reunification services, the court shall inform the
11 parent or parents of Section 366.26 and shall specify that the
12 parent's or parents' parental rights may be terminated.

13 (b) Reunification services need not be provided to a parent or
14 guardian described in this subdivision when the court finds, by
15 clear and convincing evidence, any of the following:

16 (1) That the whereabouts of the parent or guardian is unknown.
17 A finding pursuant to this paragraph shall be supported by an
18 affidavit or by proof that a reasonably diligent search has failed
19 to locate the parent or guardian. The posting or publication of
20 notices is not required in that search.

21 (2) That the parent or guardian is suffering from a mental
22 disability that is described in Chapter 2 (commencing with Section
23 7820) of Part 4 of Division 12 of the Family Code and that renders
24 him or her incapable of utilizing those services.

25 (3) That the child or a sibling of the child has been previously
26 adjudicated a dependent pursuant to any subdivision of Section
27 300 as a result of physical or sexual abuse, that following that
28 adjudication the child had been removed from the custody of his
29 or her parent or guardian pursuant to Section 361, that the child
30 has been returned to the custody of the parent or guardian from
31 whom the child had been taken originally, and that the child is
32 being removed pursuant to Section 361, due to additional physical
33 or sexual abuse.

34 (4) That the parent or guardian of the child has caused the death
35 of another child through abuse or neglect.

36 (5) That the child was brought within the jurisdiction of the
37 court under subdivision (e) of Section 300 because of the conduct
38 of that parent or guardian.

39 (6) That the child has been adjudicated a dependent pursuant
40 to any subdivision of Section 300 as a result of severe sexual abuse

1 or the infliction of severe physical harm to the child, a sibling, or
2 a half sibling by a parent or guardian, as defined in this subdivision,
3 and the court makes a factual finding that it would not benefit the
4 child to pursue reunification services with the offending parent or
5 guardian.

6 A finding of severe sexual abuse, for the purposes of this
7 subdivision, may be based on, but is not limited to, sexual
8 intercourse, or stimulation involving genital-genital, oral-genital,
9 anal-genital, or oral-anal contact, whether between the parent or
10 guardian and the child or a sibling or half sibling of the child, or
11 between the child or a sibling or half sibling of the child and
12 another person or animal with the actual or implied consent of the
13 parent or guardian; or the penetration or manipulation of the
14 child's, sibling's, or half sibling's genital organs or rectum by any
15 animate or inanimate object for the sexual gratification of the
16 parent or guardian, or for the sexual gratification of another person
17 with the actual or implied consent of the parent or guardian.

18 A finding of the infliction of severe physical harm, for the
19 purposes of this subdivision, may be based on, but is not limited
20 to, deliberate and serious injury inflicted to or on a child's body
21 or the body of a sibling or half sibling of the child by an act or
22 omission of the parent or guardian, or of another individual or
23 animal with the consent of the parent or guardian; deliberate and
24 torturous confinement of the child, sibling, or half sibling in a
25 closed space; or any other torturous act or omission that would be
26 reasonably understood to cause serious emotional damage.

27 (7) That the parent is not receiving reunification services for a
28 sibling or a half sibling of the child pursuant to paragraph (3), (5),
29 or (6).

30 (8) That the child was conceived by means of the commission
31 of an offense listed in Section 288 or 288.5 of the Penal Code, or
32 by an act committed outside of this state that, if committed in this
33 state, would constitute one of those offenses. This paragraph only
34 applies to the parent who committed the offense or act.

35 (9) That the child has been found to be a child described in
36 subdivision (g) of Section 300; that the parent or guardian of the
37 child willfully abandoned the child, and the court finds that the
38 abandonment itself constituted a serious danger to the child; or
39 that the parent or other person having custody of the child
40 voluntarily surrendered physical custody of the child pursuant to

1 Section 1255.7 of the Health and Safety Code. For the purposes
2 of this paragraph, “serious danger” means that without the
3 intervention of another person or agency, the child would have
4 sustained severe or permanent disability, injury, illness, or death.
5 For purposes of this paragraph, “willful abandonment” shall not
6 be construed as actions taken in good faith by the parent without
7 the intent of placing the child in serious danger.

8 (10) That the court ordered termination of reunification services
9 for any siblings or half siblings of the child because the parent or
10 guardian failed to reunify with the sibling or half sibling after the
11 sibling or half sibling had been removed from that parent or
12 guardian pursuant to Section 361 and that parent or guardian is
13 the same parent or guardian described in subdivision (a) and that,
14 according to the findings of the court, this parent or guardian has
15 not subsequently made a reasonable effort to treat the problems
16 that led to removal of the sibling or half sibling of that child from
17 that parent or guardian.

18 (11) That the parental rights of a parent over any sibling or half
19 sibling of the child had been permanently severed, and this parent
20 is the same parent described in subdivision (a), and that, according
21 to the findings of the court, this parent has not subsequently made
22 a reasonable effort to treat the problems that led to removal of the
23 sibling or half sibling of that child from the parent.

24 (12) That the parent or guardian of the child has been convicted
25 of a violent felony, as defined in subdivision (c) of Section 667.5
26 of the Penal Code.

27 (13) That the parent or guardian of the child has a history of
28 extensive, abusive, and chronic use of drugs or alcohol and has
29 resisted prior court-ordered treatment for this problem during a
30 three-year period immediately prior to the filing of the petition
31 that brought that child to the court’s attention, or has failed or
32 refused to comply with a program of drug or alcohol treatment
33 described in the case plan required by Section 358.1 on at least
34 two prior occasions, even though the programs identified were
35 available and accessible.

36 (14) That the parent or guardian of the child has advised the
37 court that he or she is not interested in receiving family
38 maintenance or family reunification services or having the child
39 returned to or placed in his or her custody and does not wish to
40 receive family maintenance or reunification services.

1 The parent or guardian shall be represented by counsel and shall
2 execute a waiver of services form to be adopted by the Judicial
3 Council. The court shall advise the parent or guardian of any right
4 to services and of the possible consequences of a waiver of
5 services, including the termination of parental rights and placement
6 of the child for adoption. The court shall not accept the waiver of
7 services unless it states on the record its finding that the parent or
8 guardian has knowingly and intelligently waived the right to
9 services.

10 (15) That the parent or guardian has on one or more occasions
11 willfully abducted the child or child's sibling or half sibling from
12 his or her placement and refused to disclose the child's or child's
13 sibling's or half sibling's whereabouts, refused to return physical
14 custody of the child or child's sibling or half sibling to his or her
15 placement, or refused to return physical custody of the child or
16 child's sibling or half sibling to the social worker.

17 *(16) That the parent has been required by the court to be*
18 *registered on a sex offender registry under the federal Adam Walsh*
19 *Child Protection and Safety Act of 2006 (42 U.S.C. Sec. 16913(a)),*
20 *as required in Section 106(b)(2)(B)(xvi)(VI) of the Child Abuse*
21 *Prevention and Treatment Act of 2006 (42 U.S.C. Sec.*
22 *5106a(2)(B)(xvi)(VI).*

23 (c) In deciding whether to order reunification in any case in
24 which this section applies, the court shall hold a dispositional
25 hearing. The social worker shall prepare a report that discusses
26 whether reunification services shall be provided. When it is alleged,
27 pursuant to paragraph (2) of subdivision (b), that the parent is
28 incapable of utilizing services due to mental disability, the court
29 shall order reunification services unless competent evidence from
30 mental health professionals establishes that, even with the provision
31 of services, the parent is unlikely to be capable of adequately caring
32 for the child within the time limits specified in subdivision (a).

33 The court shall not order reunification for a parent or guardian
34 described in paragraph (3), (4), (6), (7), (8), (9), (10), (11), (12),
35 (13), (14), ~~or~~ (15), *or (16)* of subdivision (b) unless the court finds,
36 by clear and convincing evidence, that reunification is in the best
37 interest of the child.

38 In addition, the court shall not order reunification in any situation
39 described in paragraph (5) of subdivision (b) unless it finds that,
40 based on competent testimony, those services are likely to prevent

1 reabuse or continued neglect of the child or that failure to try
2 reunification will be detrimental to the child because the child is
3 closely and positively attached to that parent. The social worker
4 shall investigate the circumstances leading to the removal of the
5 child and advise the court whether there are circumstances that
6 indicate that reunification is likely to be successful or unsuccessful
7 and whether failure to order reunification is likely to be detrimental
8 to the child.

9 The failure of the parent to respond to previous services, the fact
10 that the child was abused while the parent was under the influence
11 of drugs or alcohol, a past history of violent behavior, or testimony
12 by a competent professional that the parent's behavior is unlikely
13 to be changed by services are among the factors indicating that
14 reunification services are unlikely to be successful. The fact that
15 a parent or guardian is no longer living with an individual who
16 severely abused the child may be considered in deciding that
17 reunification services are likely to be successful, provided that the
18 court shall consider any pattern of behavior on the part of the parent
19 that has exposed the child to repeated abuse.

20 (d) If reunification services are not ordered pursuant to
21 paragraph (1) of subdivision (b) and the whereabouts of a parent
22 become known within six months of the out-of-home placement
23 of the child, the court shall order the social worker to provide
24 family reunification services in accordance with this subdivision.

25 (e) (1) If the parent or guardian is incarcerated or
26 institutionalized, the court shall order reasonable services unless
27 the court determines, by clear and convincing evidence, those
28 services would be detrimental to the child. In determining
29 detriment, the court shall consider the age of the child, the degree
30 of parent-child bonding, the length of the sentence, the length and
31 nature of the treatment, the nature of the crime or illness, the degree
32 of detriment to the child if services are not offered and, for children
33 10 years of age or older, the child's attitude toward the
34 implementation of family reunification services, the likelihood of
35 the parent's discharge from incarceration or institutionalization
36 within the reunification time limitations described in subdivision
37 (a), and any other appropriate factors. In determining the content
38 of reasonable services, the court shall consider the particular
39 barriers to an incarcerated or otherwise institutionalized parent's
40 access to those court-mandated services and ability to maintain

1 contact with his or her child, and shall document this information
2 in the child's case plan. Reunification services are subject to the
3 applicable time limitations imposed in subdivision (a). Services
4 may include, but shall not be limited to, all of the following:

5 (A) Maintaining contact between the parent and child through
6 collect telephone calls.

7 (B) Transportation services, where appropriate.

8 (C) Visitation services, where appropriate.

9 (D) Reasonable services to extended family members or foster
10 parents providing care for the child if the services are not
11 detrimental to the child.

12 An incarcerated parent may be required to attend counseling,
13 parenting classes, or vocational training programs as part of the
14 reunification service plan if actual access to these services is
15 provided. The social worker shall document in the child's case
16 plan the particular barriers to an incarcerated or institutionalized
17 parent's access to those court-mandated services and ability to
18 maintain contact with his or her child.

19 (2) The presiding judge of the juvenile court of each county
20 may convene representatives of the county welfare department,
21 the sheriff's department, and other appropriate entities for the
22 purpose of developing and entering into protocols for ensuring the
23 notification, transportation, and presence of an incarcerated or
24 institutionalized parent at all court hearings involving proceedings
25 affecting the child pursuant to Section 2625 of the Penal Code.
26 The county welfare department shall utilize the prisoner locator
27 system developed by the Department of Corrections and
28 Rehabilitation to facilitate timely and effective notice of hearings
29 for incarcerated parents.

30 (3) Notwithstanding any other provision of law, if the
31 incarcerated parent is a woman seeking to participate in the
32 community treatment program operated by the Department of
33 Corrections and Rehabilitation pursuant to Chapter 4.8
34 (commencing with Section 1174) of Title 7 of Part 2 of, Chapter
35 4 (commencing with Section 3410) of Title 2 of Part 3 of, the Penal
36 Code, the court shall determine whether the parent's participation
37 in a program is in the child's best interest and whether it is suitable
38 to meet the needs of the parent and child.

39 (f) If the court, pursuant to paragraph (2), (3), (4), (5), (6), (7),
40 (8), (9), (10), (11), (12), (13), (14), or (15), *or* (16) of subdivision

(b) or paragraph (1) of subdivision (e), does not order reunification services, it shall, at the dispositional hearing, that shall include a permanency hearing, determine if a hearing under Section 366.26 shall be set in order to determine whether adoption, guardianship, or long-term foster care, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption, is the most appropriate plan for the child, and shall consider in-state and out-of-state placement options. If the court so determines, it shall conduct the hearing pursuant to Section 366.26 within 120 days after the dispositional hearing. However, the court shall not schedule a hearing so long as the other parent is being provided reunification services pursuant to subdivision (a). The court may continue to permit the parent to visit the child unless it finds that visitation would be detrimental to the child.

(g) (1) Whenever a court orders that a hearing shall be held pursuant to Section 366.26, including, when, in consultation with the child's tribe, tribal customary adoption is recommended, it shall direct the agency supervising the child and the licensed county adoption agency, or the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency, to prepare an assessment that shall include:

(A) Current search efforts for an absent parent or parents and notification of a noncustodial parent in the manner provided for in Section 291.

(B) A review of the amount of and nature of any contact between the child and his or her parents and other members of his or her extended family since the time of placement. Although the extended family of each child shall be reviewed on a case-by-case basis, "extended family" for the purpose of this subparagraph shall include, but not be limited to, the child's siblings, grandparents, aunts, and uncles.

(C) An evaluation of the child's medical, developmental, scholastic, mental, and emotional status.

(D) A preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent or guardian, including a prospective tribal customary adoptive parent, particularly the caretaker, to include a social history, including screening for criminal records and prior referrals for child abuse or neglect, the capability to meet the child's needs, and the understanding of the

1 legal and financial rights and responsibilities of adoption and
2 guardianship. If a proposed guardian is a relative of the minor, the
3 assessment shall also consider, but need not be limited to, all of
4 the factors specified in subdivision (a) of Section 361.3 and in
5 Section 361.4. As used in this subparagraph, “relative” means an
6 adult who is related to the minor by blood, adoption, or affinity
7 within the fifth degree of kinship, including stepparents,
8 stepsiblings, and all relatives whose status is preceded by the words
9 “great,” “great-great,” or “grand,” or the spouse of any of those
10 persons even if the marriage was terminated by death or
11 dissolution.

12 (E) The relationship of the child to any identified prospective
13 adoptive parent or guardian, including a prospective tribal
14 customary parent, the duration and character of the relationship,
15 the degree of attachment of the child to the prospective relative
16 guardian or adoptive parent, the relative’s or adoptive parent’s
17 strong commitment to caring permanently for the child, the
18 motivation for seeking adoption or guardianship, a statement from
19 the child concerning placement and the adoption or guardianship,
20 and whether the child over 12 years of age has been consulted
21 about the proposed relative guardianship arrangements, unless the
22 child’s age or physical, emotional, or other condition precludes
23 his or her meaningful response, and if so, a description of the
24 condition.

25 (F) An analysis of the likelihood that the child will be adopted
26 if parental rights are terminated.

27 (G) In the case of an Indian child, in addition to subparagraphs
28 (A) to (F), inclusive, an assessment of the likelihood that the child
29 will be adopted, when, in consultation with the child’s tribe, a
30 customary tribal adoption, as defined in Section 366.24, is
31 recommended. If tribal customary adoption is recommended, the
32 assessment shall include an analysis of both of the following:

33 (i) Whether tribal customary adoption would or would not be
34 detrimental to the Indian child and the reasons for reaching that
35 conclusion.

36 (ii) Whether the Indian child cannot or should not be returned
37 to the home of the Indian parent or Indian custodian and the reasons
38 for reaching that conclusion.

39 (2) (A) A relative caregiver’s preference for legal guardianship
40 over adoption, if it is due to circumstances that do not include an

1 unwillingness to accept legal or financial responsibility for the
2 child, shall not constitute the sole basis for recommending removal
3 of the child from the relative caregiver for purposes of adoptive
4 placement.

5 (B) A relative caregiver shall be given information regarding
6 the permanency options of guardianship and adoption, including
7 the long-term benefits and consequences of each option, prior to
8 establishing legal guardianship or pursuing adoption.

9 (h) If, at any hearing held pursuant to Section 366.26, a
10 guardianship is established for the minor with an approved relative
11 caregiver and juvenile court dependency is subsequently dismissed,
12 the minor shall be eligible for aid under the Kin-GAP Program as
13 provided for in Article 4.5 (commencing with Section 11360) or
14 Article 4.7 (commencing with Section 11385) of Chapter 2, as
15 applicable.

16 (i) In determining whether reunification services will benefit
17 the child pursuant to paragraph (6) or (7) of subdivision (b), the
18 court shall consider any information it deems relevant, including
19 the following factors:

20 (1) The specific act or omission comprising the severe sexual
21 abuse or the severe physical harm inflicted on the child or the
22 child's sibling or half sibling.

23 (2) The circumstances under which the abuse or harm was
24 inflicted on the child or the child's sibling or half sibling.

25 (3) The severity of the emotional trauma suffered by the child
26 or the child's sibling or half sibling.

27 (4) Any history of abuse of other children by the offending
28 parent or guardian.

29 (5) The likelihood that the child may be safely returned to the
30 care of the offending parent or guardian within 12 months with no
31 continuing supervision.

32 (6) Whether or not the child desires to be reunified with the
33 offending parent or guardian.

34 (j) When the court determines that reunification services will
35 not be ordered, it shall order that the child's caregiver receive the
36 child's birth certificate in accordance with Sections 16010.4 and
37 16010.5. Additionally, when the court determines that reunification
38 services will not be ordered, it shall order, when appropriate, that
39 a child who is 16 years of age or older receive his or her birth
40 certificate.

(k) The court shall read into the record the basis for a finding of severe sexual abuse or the infliction of severe physical harm under paragraph (6) of subdivision (b), and shall also specify the factual findings used to determine that the provision of reunification services to the offending parent or guardian would not benefit the child.

(l) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

SEC. 2. Section 361.5 of the Welfare and Institutions Code, as amended by Section 2 of Chapter 59 of the Statutes of 2011, is amended to read:

361.5. (a) Except as provided in subdivision (b), or when the parent has voluntarily relinquished the child and the relinquishment has been filed with the State Department of Social Services, or upon the establishment of an order of guardianship pursuant to Section 360, whenever a child is removed from a parent's or guardian's custody, the juvenile court shall order the social worker to provide child welfare services to the child and the child's mother and statutorily presumed father or guardians. Upon a finding and declaration of paternity by the juvenile court or proof of a prior declaration of paternity by any court of competent jurisdiction, the juvenile court may order services for the child and the biological father, if the court determines that the services will benefit the child.

(1) Family reunification services, when provided, shall be provided as follows:

(A) Except as otherwise provided in subparagraph (C), for a child who, on the date of initial removal from the physical custody of his or her parent or guardian, was three years of age or older, court-ordered services shall be provided beginning with the dispositional hearing and ending 12 months after the date the child entered foster care as defined in Section 361.49, unless the child is returned to the home of the parent or guardian.

(B) For a child who, on the date of initial removal from the physical custody of his or her parent or guardian, was under three years of age, court-ordered services shall be provided for a period of six months from the dispositional hearing as provided in subdivision (e) of Section 366.21, but no longer than 12 months from the date the child entered foster care as defined in Section

1 361.49 unless the child is returned to the home of the parent or
2 guardian.

3 (C) For the purpose of placing and maintaining a sibling group
4 together in a permanent home should reunification efforts fail, for
5 a child in a sibling group whose members were removed from
6 parental custody at the same time, and in which one member of
7 the sibling group was under three years of age on the date of initial
8 removal from the physical custody of his or her parent or guardian,
9 court-ordered services for some or all of the sibling group may be
10 limited as set forth in subparagraph (B). For the purposes of this
11 paragraph, “a sibling group” shall mean two or more children who
12 are related to each other as full or half siblings.

13 (2) Any motion to terminate court-ordered reunification services
14 prior to the hearing set pursuant to subdivision (f) of Section 366.21
15 for a child described by subparagraph (A) of paragraph (1), or
16 prior to the hearing set pursuant to subdivision (e) of Section
17 366.21 for a child described by subparagraph (B) or (C) of
18 paragraph (1), shall be made pursuant to the requirements set forth
19 in subdivision (c) of Section 388. A motion to terminate
20 court-ordered reunification services shall not be required at the
21 hearing set pursuant to subdivision (e) of Section 366.21 if the
22 court finds by clear and convincing evidence one of the following:

23 (A) That the child was removed initially under subdivision (g)
24 of Section 300 and the whereabouts of the parent are still unknown.

25 (B) That the parent has failed to contact and visit the child.

26 (C) That the parent has been convicted of a felony indicating
27 parental unfitness.

28 (3) Notwithstanding subparagraphs (A), (B), and (C) of
29 paragraph (1), court-ordered services may be extended up to a
30 maximum time period not to exceed 18 months after the date the
31 child was originally removed from physical custody of his or her
32 parent or guardian if it can be shown, at the hearing held pursuant
33 to subdivision (f) of Section 366.21, that the permanent plan for
34 the child is that he or she will be returned and safely maintained
35 in the home within the extended time period. The court shall extend
36 the time period only if it finds that there is a substantial probability
37 that the child will be returned to the physical custody of his or her
38 parent or guardian within the extended time period or that
39 reasonable services have not been provided to the parent or
40 guardian. In determining whether court-ordered services may be

1 extended, the court shall consider the special circumstances of an
2 incarcerated or institutionalized parent or parents, or parent or
3 parents court-ordered to a residential substance abuse treatment
4 program, including, but not limited to, barriers to the parent's or
5 guardian's access to services and ability to maintain contact with
6 his or her child. The court shall also consider, among other factors,
7 good faith efforts that the parent or guardian has made to maintain
8 contact with the child. If the court extends the time period, the
9 court shall specify the factual basis for its conclusion that there is
10 a substantial probability that the child will be returned to the
11 physical custody of his or her parent or guardian within the
12 extended time period. The court also shall make findings pursuant
13 to subdivision (a) of Section 366 and subdivision (e) of Section
14 358.1.

15 When counseling or other treatment services are ordered, the
16 parent or guardian shall be ordered to participate in those services,
17 unless the parent's or guardian's participation is deemed by the
18 court to be inappropriate or potentially detrimental to the child, or
19 unless a parent or guardian is incarcerated and the corrections
20 facility in which he or she is incarcerated does not provide access
21 to the treatment services ordered by the court. Physical custody of
22 the child by the parents or guardians during the applicable time
23 period under subparagraph (A), (B), or (C) of paragraph (1) shall
24 not serve to interrupt the running of the period. If at the end of the
25 applicable time period, a child cannot be safely returned to the
26 care and custody of a parent or guardian without court supervision,
27 but the child clearly desires contact with the parent or guardian,
28 the court shall take the child's desire into account in devising a
29 permanency plan.

30 In cases where the child was under three years of age on the date
31 of the initial removal from the physical custody of his or her parent
32 or guardian or is a member of a sibling group as described in
33 subparagraph (C) of paragraph (1), the court shall inform the parent
34 or guardian that the failure of the parent or guardian to participate
35 regularly in any court-ordered treatment programs or to cooperate
36 or avail himself or herself of services provided as part of the child
37 welfare services case plan may result in a termination of efforts
38 to reunify the family after six months. The court shall inform the
39 parent or guardian of the factors used in subdivision (e) of Section
40 366.21 to determine whether to limit services to six months for

1 some or all members of a sibling group as described in
2 subparagraph (C) of paragraph (1).

3 (4) Notwithstanding paragraph (3), court-ordered services may
4 be extended up to a maximum time period not to exceed 24 months
5 after the date the child was originally removed from physical
6 custody of his or her parent or guardian if it is shown, at the hearing
7 held pursuant to subdivision (b) of Section 366.22, that the
8 permanent plan for the child is that he or she will be returned and
9 safely maintained in the home within the extended time period.
10 The court shall extend the time period only if it finds that it is in
11 the child's best interest to have the time period extended and that
12 there is a substantial probability that the child will be returned to
13 the physical custody of his or her parent or guardian who is
14 described in subdivision (b) of Section 366.22 within the extended
15 time period, or that reasonable services have not been provided to
16 the parent or guardian. If the court extends the time period, the
17 court shall specify the factual basis for its conclusion that there is
18 a substantial probability that the child will be returned to the
19 physical custody of his or her parent or guardian within the
20 extended time period. The court also shall make findings pursuant
21 to subdivision (a) of Section 366 and subdivision (e) of Section
22 358.1.

23 When counseling or other treatment services are ordered, the
24 parent or guardian shall be ordered to participate in those services,
25 in order for substantial probability to be found. Physical custody
26 of the child by the parents or guardians during the applicable time
27 period under subparagraph (A), (B), or (C) of paragraph (1) shall
28 not serve to interrupt the running of the period. If at the end of the
29 applicable time period, the child cannot be safely returned to the
30 care and custody of a parent or guardian without court supervision,
31 but the child clearly desires contact with the parent or guardian,
32 the court shall take the child's desire into account in devising a
33 permanency plan.

34 Except in cases where, pursuant to subdivision (b), the court
35 does not order reunification services, the court shall inform the
36 parent or parents of Section 366.26 and shall specify that the
37 parent's or parents' parental rights may be terminated.

38 (b) Reunification services need not be provided to a parent or
39 guardian described in this subdivision when the court finds, by
40 clear and convincing evidence, any of the following:

1 (1) That the whereabouts of the parent or guardian is unknown.
2 A finding pursuant to this paragraph shall be supported by an
3 affidavit or by proof that a reasonably diligent search has failed
4 to locate the parent or guardian. The posting or publication of
5 notices is not required in that search.

6 (2) That the parent or guardian is suffering from a mental
7 disability that is described in Chapter 2 (commencing with Section
8 7820) of Part 4 of Division 12 of the Family Code and that renders
9 him or her incapable of utilizing those services.

10 (3) That the child or a sibling of the child has been previously
11 adjudicated a dependent pursuant to any subdivision of Section
12 300 as a result of physical or sexual abuse, that following that
13 adjudication the child had been removed from the custody of his
14 or her parent or guardian pursuant to Section 361, that the child
15 has been returned to the custody of the parent or guardian from
16 whom the child had been taken originally, and that the child is
17 being removed pursuant to Section 361, due to additional physical
18 or sexual abuse.

19 (4) That the parent or guardian of the child has caused the death
20 of another child through abuse or neglect.

21 (5) That the child was brought within the jurisdiction of the
22 court under subdivision (e) of Section 300 because of the conduct
23 of that parent or guardian.

24 (6) That the child has been adjudicated a dependent pursuant
25 to any subdivision of Section 300 as a result of severe sexual abuse
26 or the infliction of severe physical harm to the child, a sibling, or
27 a half sibling by a parent or guardian, as defined in this subdivision,
28 and the court makes a factual finding that it would not benefit the
29 child to pursue reunification services with the offending parent or
30 guardian.

31 A finding of severe sexual abuse, for the purposes of this
32 subdivision, may be based on, but is not limited to, sexual
33 intercourse, or stimulation involving genital-genital, oral-genital,
34 anal-genital, or oral-anal contact, whether between the parent or
35 guardian and the child or a sibling or half sibling of the child, or
36 between the child or a sibling or half sibling of the child and
37 another person or animal with the actual or implied consent of the
38 parent or guardian; or the penetration or manipulation of the
39 child's, sibling's, or half sibling's genital organs or rectum by any
40 animate or inanimate object for the sexual gratification of the

1 parent or guardian, or for the sexual gratification of another person
2 with the actual or implied consent of the parent or guardian.

3 A finding of the infliction of severe physical harm, for the
4 purposes of this subdivision, may be based on, but is not limited
5 to, deliberate and serious injury inflicted to or on a child's body
6 or the body of a sibling or half sibling of the child by an act or
7 omission of the parent or guardian, or of another individual or
8 animal with the consent of the parent or guardian; deliberate and
9 torturous confinement of the child, sibling, or half sibling in a
10 closed space; or any other torturous act or omission that would be
11 reasonably understood to cause serious emotional damage.

12 (7) That the parent is not receiving reunification services for a
13 sibling or a half sibling of the child pursuant to paragraph (3), (5),
14 or (6).

15 (8) That the child was conceived by means of the commission
16 of an offense listed in Section 288 or 288.5 of the Penal Code, or
17 by an act committed outside of this state that, if committed in this
18 state, would constitute one of those offenses. This paragraph only
19 applies to the parent who committed the offense or act.

20 (9) That the child has been found to be a child described in
21 subdivision (g) of Section 300, that the parent or guardian of the
22 child willfully abandoned the child, and the court finds that the
23 abandonment itself constituted a serious danger to the child; or
24 that the parent or other person having custody of the child
25 voluntarily surrendered physical custody of the child pursuant to
26 Section 1255.7 of the Health and Safety Code. For the purposes
27 of this paragraph, "serious danger" means that without the
28 intervention of another person or agency, the child would have
29 sustained severe or permanent disability, injury, illness, or death.
30 For purposes of this paragraph, "willful abandonment" shall not
31 be construed as actions taken in good faith by the parent without
32 the intent of placing the child in serious danger.

33 (10) That the court ordered termination of reunification services
34 for any siblings or half siblings of the child because the parent or
35 guardian failed to reunify with the sibling or half sibling after the
36 sibling or half sibling had been removed from that parent or
37 guardian pursuant to Section 361 and that parent or guardian is
38 the same parent or guardian described in subdivision (a) and that,
39 according to the findings of the court, this parent or guardian has
40 not subsequently made a reasonable effort to treat the problems

1 that led to removal of the sibling or half sibling of that child from
2 that parent or guardian.

3 (11) That the parental rights of a parent over any sibling or half
4 sibling of the child had been permanently severed, and this parent
5 is the same parent described in subdivision (a), and that, according
6 to the findings of the court, this parent has not subsequently made
7 a reasonable effort to treat the problems that led to removal of the
8 sibling or half sibling of that child from the parent.

9 (12) That the parent or guardian of the child has been convicted
10 of a violent felony, as defined in subdivision (c) of Section 667.5
11 of the Penal Code.

12 (13) That the parent or guardian of the child has a history of
13 extensive, abusive, and chronic use of drugs or alcohol and has
14 resisted prior court-ordered treatment for this problem during a
15 three-year period immediately prior to the filing of the petition
16 that brought that child to the court's attention, or has failed or
17 refused to comply with a program of drug or alcohol treatment
18 described in the case plan required by Section 358.1 on at least
19 two prior occasions, even though the programs identified were
20 available and accessible.

21 (14) That the parent or guardian of the child has advised the
22 court that he or she is not interested in receiving family
23 maintenance or family reunification services or having the child
24 returned to or placed in his or her custody and does not wish to
25 receive family maintenance or reunification services.

26 The parent or guardian shall be represented by counsel and shall
27 execute a waiver of services form to be adopted by the Judicial
28 Council. The court shall advise the parent or guardian of any right
29 to services and of the possible consequences of a waiver of
30 services, including the termination of parental rights and placement
31 of the child for adoption. The court shall not accept the waiver of
32 services unless it states on the record its finding that the parent or
33 guardian has knowingly and intelligently waived the right to
34 services.

35 (15) That the parent or guardian has on one or more occasions
36 willfully abducted the child or child's sibling or half sibling from
37 his or her placement and refused to disclose the child's or child's
38 sibling's or half sibling's whereabouts, refused to return physical
39 custody of the child or child's sibling or half sibling to his or her

1 placement, or refused to return physical custody of the child or
2 child's sibling or half sibling to the social worker.

3 *(16) That the parent has been required by the court to be*
4 *registered on a sex offender registry under the federal Adam Walsh*
5 *Child Protection and Safety Act of 2006 (42 U.S.C. Sec. 16913(a)),*
6 *as required in Section 106(b)(2)(B)(xvi)(VI) of the Child Abuse*
7 *Prevention and Treatment Act of 2006 (42 U.S.C. Sec.*
8 *5106a(2)(B)(xvi)(VI).*

9 (c) In deciding whether to order reunification in any case in
10 which this section applies, the court shall hold a dispositional
11 hearing. The social worker shall prepare a report that discusses
12 whether reunification services shall be provided. When it is alleged,
13 pursuant to paragraph (2) of subdivision (b), that the parent is
14 incapable of utilizing services due to mental disability, the court
15 shall order reunification services unless competent evidence from
16 mental health professionals establishes that, even with the provision
17 of services, the parent is unlikely to be capable of adequately caring
18 for the child within the time limits specified in subdivision (a).

19 The court shall not order reunification for a parent or guardian
20 described in paragraph (3), (4), (6), (7), (8), (9), (10), (11), (12),
21 (13), (14), ~~or~~ (15), *or (16)* of subdivision (b) unless the court finds,
22 by clear and convincing evidence, that reunification is in the best
23 interest of the child.

24 In addition, the court shall not order reunification in any situation
25 described in paragraph (5) of subdivision (b) unless it finds that,
26 based on competent testimony, those services are likely to prevent
27 reabuse or continued neglect of the child or that failure to try
28 reunification will be detrimental to the child because the child is
29 closely and positively attached to that parent. The social worker
30 shall investigate the circumstances leading to the removal of the
31 child and advise the court whether there are circumstances that
32 indicate that reunification is likely to be successful or unsuccessful
33 and whether failure to order reunification is likely to be detrimental
34 to the child.

35 The failure of the parent to respond to previous services, the fact
36 that the child was abused while the parent was under the influence
37 of drugs or alcohol, a past history of violent behavior, or testimony
38 by a competent professional that the parent's behavior is unlikely
39 to be changed by services are among the factors indicating that
40 reunification services are unlikely to be successful. The fact that

1 a parent or guardian is no longer living with an individual who
2 severely abused the child may be considered in deciding that
3 reunification services are likely to be successful, provided that the
4 court shall consider any pattern of behavior on the part of the parent
5 that has exposed the child to repeated abuse.

6 (d) If reunification services are not ordered pursuant to
7 paragraph (1) of subdivision (b) and the whereabouts of a parent
8 become known within six months of the out-of-home placement
9 of the child, the court shall order the social worker to provide
10 family reunification services in accordance with this subdivision.

11 (e) (1) If the parent or guardian is incarcerated or
12 institutionalized, the court shall order reasonable services unless
13 the court determines, by clear and convincing evidence, those
14 services would be detrimental to the child. In determining
15 detriment, the court shall consider the age of the child, the degree
16 of parent-child bonding, the length of the sentence, the length and
17 nature of the treatment, the nature of the crime or illness, the degree
18 of detriment to the child if services are not offered and, for children
19 10 years of age or older, the child's attitude toward the
20 implementation of family reunification services, the likelihood of
21 the parent's discharge from incarceration or institutionalization
22 within the reunification time limitations described in subdivision
23 (a), and any other appropriate factors. In determining the content
24 of reasonable services, the court shall consider the particular
25 barriers to an incarcerated or otherwise institutionalized parent's
26 access to those court-mandated services and ability to maintain
27 contact with his or her child, and shall document this information
28 in the child's case plan. Reunification services are subject to the
29 applicable time limitations imposed in subdivision (a). Services
30 may include, but shall not be limited to, all of the following:

31 (A) Maintaining contact between the parent and child through
32 collect telephone calls.

33 (B) Transportation services, where appropriate.

34 (C) Visitation services, where appropriate.

35 (D) Reasonable services to extended family members or foster
36 parents providing care for the child if the services are not
37 detrimental to the child.

38 An incarcerated parent may be required to attend counseling,
39 parenting classes, or vocational training programs as part of the
40 reunification service plan if actual access to these services is

1 provided. The social worker shall document in the child's case
2 plan the particular barriers to an incarcerated or institutionalized
3 parent's access to those court-mandated services and ability to
4 maintain contact with his or her child.

5 (2) The presiding judge of the juvenile court of each county
6 may convene representatives of the county welfare department,
7 the sheriff's department, and other appropriate entities for the
8 purpose of developing and entering into protocols for ensuring the
9 notification, transportation, and presence of an incarcerated or
10 institutionalized parent at all court hearings involving proceedings
11 affecting the child pursuant to Section 2625 of the Penal Code.
12 The county welfare department shall utilize the prisoner locator
13 system developed by the Department of Corrections and
14 Rehabilitation to facilitate timely and effective notice of hearings
15 for incarcerated parents.

16 (3) Notwithstanding any other provision of law, if the
17 incarcerated parent is a woman seeking to participate in the
18 community treatment program operated by the Department of
19 Corrections and Rehabilitation pursuant to Chapter 4.8
20 (commencing with Section 1174) of Title 7 of Part 2 of, Chapter
21 4 (commencing with Section 3410) of Title 2 of Part 3 of, the Penal
22 Code, the court shall determine whether the parent's participation
23 in a program is in the child's best interest and whether it is suitable
24 to meet the needs of the parent and child.

25 (f) If the court, pursuant to paragraph (2), (3), (4), (5), (6), (7),
26 (8), (9), (10), (11), (12), (13), (14), ~~or~~ (15), *or (16)* of subdivision
27 (b) or paragraph (1) of subdivision (e), does not order reunification
28 services, it shall, at the dispositional hearing, that shall include a
29 permanency hearing, determine if a hearing under Section 366.26
30 shall be set in order to determine whether adoption, guardianship,
31 or long-term foster care is the most appropriate plan for the child,
32 and shall consider in-state and out-of-state placement options. If
33 the court so determines, it shall conduct the hearing pursuant to
34 Section 366.26 within 120 days after the dispositional hearing.
35 However, the court shall not schedule a hearing so long as the
36 other parent is being provided reunification services pursuant to
37 subdivision (a). The court may continue to permit the parent to
38 visit the child unless it finds that visitation would be detrimental
39 to the child.

(g) (1) Whenever a court orders that a hearing shall be held pursuant to Section 366.26, it shall direct the agency supervising the child and the licensed county adoption agency, or the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency, to prepare an assessment that shall include:

(A) Current search efforts for an absent parent or parents and notification of a noncustodial parent in the manner provided for in Section 291.

(B) A review of the amount of and nature of any contact between the child and his or her parents and other members of his or her extended family since the time of placement. Although the extended family of each child shall be reviewed on a case-by-case basis, “extended family” for the purpose of this subparagraph shall include, but not be limited to, the child’s siblings, grandparents, aunts, and uncles.

(C) An evaluation of the child’s medical, developmental, scholastic, mental, and emotional status.

(D) A preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent or guardian, particularly the caretaker, to include a social history, including screening for criminal records and prior referrals for child abuse or neglect, the capability to meet the child’s needs, and the understanding of the legal and financial rights and responsibilities of adoption and guardianship. If a proposed guardian is a relative of the minor, the assessment shall also consider, but need not be limited to, all of the factors specified in subdivision (a) of Section 361.3 and in Section 361.4. As used in this subparagraph, “relative” means an adult who is related to the minor by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words “great,” “great-great,” or “grand,” or the spouse of any of those persons even if the marriage was terminated by death or dissolution.

(E) The relationship of the child to any identified prospective adoptive parent or guardian, the duration and character of the relationship, the degree of attachment of the child to the prospective relative guardian or adoptive parent, the relative’s or adoptive parent’s strong commitment to caring permanently for the child, the motivation for seeking adoption or guardianship, a statement

1 from the child concerning placement and the adoption or
2 guardianship, and whether the child over 12 years of age has been
3 consulted about the proposed relative guardianship arrangements
4 unless the child's age or physical, emotional, or other condition
5 precludes his or her meaningful response, and if so, a description
6 of the condition.

7 (F) An analysis of the likelihood that the child will be adopted
8 if parental rights are terminated.

9 (2) (A) A relative caregiver's preference for legal guardianship
10 over adoption, if it is due to circumstances that do not include an
11 unwillingness to accept legal or financial responsibility for the
12 child, shall not constitute the sole basis for recommending removal
13 of the child from the relative caregiver for purposes of adoptive
14 placement.

15 (B) A relative caregiver shall be given information regarding
16 the permanency options of guardianship and adoption, including
17 the long-term benefits and consequences of each option, prior to
18 establishing legal guardianship or pursuing adoption.

19 (h) If, at any hearing held pursuant to Section 366.26, a
20 guardianship is established for the minor with an approved relative
21 caregiver and juvenile court dependency is subsequently dismissed,
22 the minor shall be eligible for aid under the Kin-GAP Program as
23 provided for in Article 4.5 (commencing with Section 11360) or
24 Article 4.7 (commencing with Section 11385) of Chapter 2, as
25 applicable.

26 (i) In determining whether reunification services will benefit
27 the child pursuant to paragraph (6) or (7) of subdivision (b), the
28 court shall consider any information it deems relevant, including
29 the following factors:

30 (1) The specific act or omission comprising the severe sexual
31 abuse or the severe physical harm inflicted on the child or the
32 child's sibling or half sibling.

33 (2) The circumstances under which the abuse or harm was
34 inflicted on the child or the child's sibling or half sibling.

35 (3) The severity of the emotional trauma suffered by the child
36 or the child's sibling or half sibling.

37 (4) Any history of abuse of other children by the offending
38 parent or guardian.

1 (5) The likelihood that the child may be safely returned to the
2 care of the offending parent or guardian within 12 months with no
3 continuing supervision.

4 (6) Whether or not the child desires to be reunified with the
5 offending parent or guardian.

6 (j) When the court determines that reunification services will
7 not be ordered, it shall order that the child's caregiver receive the
8 child's birth certificate in accordance with Sections 16010.4 and
9 16010.5. Additionally, when the court determines that reunification
10 services will not be ordered, it shall order, when appropriate, that
11 a child who is 16 years of age or older receive his or her birth
12 certificate.

13 (k) The court shall read into the record the basis for a finding
14 of severe sexual abuse or the infliction of severe physical harm
15 under paragraph (6) of subdivision (b), and shall also specify the
16 factual findings used to determine that the provision of
17 reunification services to the offending parent or guardian would
18 not benefit the child.

19 (l) This section shall become operative on January 1, 2014.

20 *SEC. 3. Section 10618.6 of the Welfare and Institutions Code*
21 *is amended to read:*

22 10618.6. (a) When a youth in a foster care placement reaches
23 his or her 16th birthday, *and each year thereafter, while the youth*
24 *is under the jurisdiction of the juvenile court*, the county welfare
25 department *or county probation department* shall request a
26 consumer *credit* disclosure, pursuant to the free annual disclosure
27 provision of the federal Fair Credit Reporting Act, on the youth's
28 behalf, notwithstanding any other law, to ascertain whether or not
29 identity theft has occurred. ~~If there is a disclosure for the youth~~
30 ~~and if the consumer disclosure reveals any negative items, or any~~
31 ~~evidence that some form of identity theft has occurred, the county~~
32 ~~welfare department shall refer the youth to an approved counseling~~
33 ~~organization that provides services to victims of identity theft. The~~
34 ~~State Department of Social Services, in consultation with the~~
35 ~~County Welfare Directors Association, consumer credit reporting~~
36 ~~agencies, and other relevant stakeholders, shall develop a list of~~
37 ~~approved organizations to which youth may be referred for~~
38 ~~assistance in responding to an instance of suspected identity theft.~~
39 ~~This section shall not be construed to require the county welfare~~
40 ~~department to request more than one consumer disclosure on behalf~~

1 of a youth in care, or to take steps beyond referring the youth to
2 an approved organization.

3 ~~(b) This section shall not be implemented until July 1, 2013.~~

4 (b) For a nonminor dependent, the county welfare department
5 or county probation department shall assist the youth, on a yearly
6 basis while the nonminor dependent is under the jurisdiction of
7 the juvenile court, with requesting the consumer credit disclosure,
8 pursuant to the free annual disclosure provision of the federal
9 Fair Credit Reporting Act, to ascertain whether or not identity
10 theft has occurred.

11 (c) The county social worker or county probation officer shall
12 ensure that the minor or nonminor dependent receives assistance
13 with interpreting the consumer credit disclosure. If a disclosure
14 reveals any inaccuracies, or any evidence that some form of
15 identity theft has occurred, the county welfare department or county
16 probation department shall ensure that the minor or nonminor
17 dependent receives assistance to resolve the inaccuracies.

18 (d) Notwithstanding any other law, in order to request a
19 consumer credit disclosure for youth described in subdivision (a),
20 the county welfare department or county probation department is
21 authorized to release necessary information to a credit reporting
22 agency.

23 SEC. 4. Section 16118 of the Welfare and Institutions Code is
24 amended to read:

25 16118. (a) The department shall establish and administer the
26 program to be carried out by the department or the county pursuant
27 to this chapter. The department shall adopt any regulations
28 necessary to carry out the provisions of this chapter.

29 (b) The department shall keep the records necessary to evaluate
30 the program's effectiveness in encouraging and promoting the
31 adoption of children eligible for the Adoption Assistance Program.

32 (c) The department or the county responsible for providing
33 financial aid in the amount determined in Section 16120 shall have
34 responsibility for certifying that the child meets the eligibility
35 criteria and for determining the amount of financial assistance
36 needed by the child and the adopting family.

37 (d) The department shall actively seek and make maximum use
38 of federal funds that may be available for the purposes of this
39 chapter. In accordance with federal law, any savings in state funds
40 realized from the change in federal funding for adoption assistance

1 resulting from the enactment of Public Law 110-351 shall be spent
2 for the provision of foster care and adoption services, *and counties,*
3 *on an annual basis, shall document and report to the department*
4 *how those funds are spent, including expenditures for post-adoption*
5 *services.* All gifts or grants received from private sources for the
6 purpose of this chapter shall be used to offset public costs incurred
7 under the program established by this chapter.

8 (e) For purposes of this chapter, the county responsible for
9 determining the child's Adoption Assistance Program eligibility
10 status and for providing financial aid in the amount determined in
11 Sections 16120 and 16120.1 shall be the county that, at the time
12 of the adoptive placement, would otherwise be responsible for
13 making a payment pursuant to Section 11450 under the CalWORKs
14 program or Section 11461 under the Aid to Families with
15 Dependent Children-Foster Care program if the child were not
16 adopted. When the child has been voluntarily relinquished for
17 adoption prior to a determination of eligibility for this payment,
18 the responsible county shall be the county in which the
19 relinquishing parent resides. The responsible county for all other
20 eligible children shall be the county where the child is physically
21 residing prior to placement with the adoptive family. The
22 responsible county shall certify eligibility on a form prescribed by
23 the department.

24 *SEC. 5. Section 16206 of the Welfare and Institutions Code is*
25 *amended to read:*

26 16206. (a) The purpose of the program is to develop and
27 implement statewide coordinated training programs designed
28 specifically to meet the needs of county child protective services
29 social workers assigned emergency response, family maintenance,
30 family reunification, permanent placement, and adoption
31 responsibilities. It is the intent of the Legislature that the program
32 include training for other agencies under contract with county
33 welfare departments to provide child welfare services. In addition,
34 the program shall provide training programs for persons defined
35 as a mandated reporter pursuant to the Child Abuse and Neglect
36 Reporting Act, Article 2.5 (commencing with Section 11164) of
37 Chapter 2 of Title 1 of Part 4 of the Penal Code. The program shall
38 provide the services required in this section to the extent possible
39 within the total allocation. If allocations are insufficient, the
40 department, in consultation with the grantee or grantees and the

1 Child Welfare Training Advisory Board, shall prioritize the efforts
2 of the program, giving primary attention to the most urgently
3 needed services. County child protective services social workers
4 assigned emergency response responsibilities shall receive first
5 priority for training pursuant to this section.

6 (b) The training program shall provide practice-relevant training
7 for mandated child abuse reporters and all members of the child
8 welfare delivery system that will address critical issues affecting
9 the well-being of children, and shall develop curriculum materials
10 and training resources for use in meeting staff development needs
11 of mandated child abuse reporters and child welfare personnel in
12 public and private agency settings.

13 (c) The training provided pursuant to this section shall include
14 all of the following:

15 (1) Crisis intervention.

16 (2) Investigative techniques.

17 (3) Rules of evidence.

18 (4) Indicators of abuse and neglect.

19 (5) Assessment criteria, including the application of guidelines
20 for assessment of relatives for placement according to the criteria
21 described in Section 361.3.

22 (6) Intervention strategies.

23 (7) Legal requirements of child protection, including
24 requirements of child abuse reporting laws.

25 (8) Case management.

26 (9) Use of community resources.

27 (10) Information regarding the dynamics and effects of domestic
28 violence upon families and children, including indicators and
29 dynamics of teen dating violence.

30 (11) Posttraumatic stress disorder and the causes, symptoms,
31 and treatment of posttraumatic stress disorder in children.

32 (12) The importance of maintaining relationships with
33 individuals who are important to a child in out-of-home placement,
34 including methods to identify those individuals, consistent with
35 the child's best interests, including, but not limited to, asking the
36 child about individuals who are important, and ways to maintain
37 and support those relationships.

38 (13) The legal duties of a child protective services social worker,
39 in order to protect the legal rights and safety of children and

1 families from the initial time of contact during investigation
2 through treatment.

3 (d) The training provided pursuant to this section may also
4 include any or all of the following:

- 5 (1) Child development and parenting.
- 6 (2) Intake, interviewing, and initial assessment.
- 7 (3) Casework and treatment.
- 8 (4) Medical aspects of child abuse and neglect.

9 (e) The training program *in each county* shall assess the
10 program's performance at least annually and forward it to the State
11 Department of Social Services for an evaluation and report to the
12 ~~Legislative Analyst. The first report shall be forwarded to the~~
13 ~~Legislative Analyst no later than January 1, 1990, and on the first~~
14 ~~of January in any subsequent year.~~ The assessment shall include,
15 at minimum, *all of* the following:

16 (1) *Workforce data, including education, qualifications, and*
17 *demographics.*

18 ~~(1)~~

19 (2) The number of persons trained.

20 ~~(2)~~

21 (3) The type of training provided.

22 ~~(3) The degree to which the training is perceived by participants~~
23 ~~as useful in practice.~~

24 (4) *Any additional information or data deemed necessary by*
25 *the department for reporting, oversight, and monitoring purposes.*

26 (f) The training program shall provide practice-relevant training
27 to county child protective services social workers who screen
28 referrals for child abuse or neglect and for all workers assigned to
29 provide emergency response, family maintenance, family
30 reunification, and permanent placement services. The training shall
31 be developed in consultation with the Child Welfare Training
32 Advisory Board and domestic violence victims' advocates and
33 other public and private agencies that provide programs for victims
34 of domestic violence or programs of intervention for perpetrators.

35 *SEC. 6. Section 16501.1 of the Welfare and Institutions Code*
36 *is amended to read:*

37 16501.1. (a) (1) The Legislature finds and declares that the
38 foundation and central unifying tool in child welfare services is
39 the case plan.

1 (2) The Legislature further finds and declares that a case plan
2 ensures that the child receives protection and safe and proper care
3 and case management, and that services are provided to the child
4 and parents or other caretakers, as appropriate, in order to improve
5 conditions in the parent's home, to facilitate the safe return of the
6 child to a safe home or the permanent placement of the child, and
7 to address the needs of the child while in foster care.

8 (b) (1) A case plan shall be based upon the principles of this
9 section and shall document that a preplacement assessment of the
10 service needs of the child and family, and preplacement preventive
11 services, have been provided, and that reasonable efforts to prevent
12 out-of-home placement have been made.

13 (2) In determining the reasonable services to be offered or
14 provided, the child's health and safety shall be the paramount
15 concerns.

16 (3) Upon a determination pursuant to paragraph (1) of
17 subdivision (e) of Section 361.5 that reasonable services will be
18 offered to a parent who is incarcerated in a county jail or state
19 prison, the case plan shall include information, to the extent
20 possible, about a parent's incarceration in a county jail or the state
21 prison during the time that a minor child of that parent is involved
22 in dependency care.

23 (4) Reasonable services shall be offered or provided to make it
24 possible for a child to return to a safe home environment, unless,
25 pursuant to subdivisions (b) and (e) of Section 361.5, the court
26 determines that reunification services shall not be provided.

27 (5) If reasonable services are not ordered, or are terminated,
28 reasonable efforts shall be made to place the child in a timely
29 manner in accordance with the permanent plan and to complete
30 all steps necessary to finalize the permanent placement of the child.

31 (c) (1) If out-of-home placement is used to attain case plan
32 goals, the decision regarding choice of placement shall be based
33 upon selection of a safe setting that is the least restrictive or most
34 family like and the most appropriate setting that is available and
35 in close proximity to the parent's home, proximity to the child's
36 school, and consistent with the selection of the environment best
37 suited to meet the child's special needs and best interests. The
38 selection shall consider, in order of priority, placement with
39 relatives, tribal members, and foster family, group care, and
40 residential treatment pursuant to Section 7950 of the Family Code.

1 On or after January 1, 2012, for a nonminor dependent, as defined
2 in subdivision (v) of Section 11400, who is receiving AFDC-FC
3 benefits up to 21 years of age pursuant to Section 11403, in
4 addition to the above requirements, the selection of the placement,
5 including a supervised independent living setting, as described in
6 Section 11400, shall also be based upon the developmental needs
7 of young adults by providing opportunities to have incremental
8 responsibilities that prepare a nonminor dependent to transition to
9 independent living. If admission to, or continuation in, a group
10 home placement is being considered for a nonminor dependent,
11 the group home placement approval decision shall include a
12 youth-driven, team-based case planning process, as defined by the
13 department, in consultation with stakeholders. The case plan shall
14 consider the full range of placement options, and shall specify why
15 admission to, or continuation in, a group home placement is the
16 best alternative available at the time to meet the special needs or
17 well-being of the nonminor dependent, and how the placement
18 will contribute to the nonminor dependent's transition to
19 independent living. The case plan shall specify the treatment
20 strategies that will be used to prepare the nonminor dependent for
21 discharge to a less restrictive and more family-like setting,
22 including a target date for discharge from the group home
23 placement. The placement shall be reviewed and updated on a
24 regular, periodic basis to ensure that continuation in the group
25 home remains in the best interests of the nonminor dependent and
26 that progress is being made in achieving case plan goals leading
27 to independent living. The group home placement planning process
28 shall begin as soon as it becomes clear to the county welfare
29 department or probation office that a foster child in group home
30 placement is likely to remain in group home placement on his or
31 her 18th birthday, in order to expedite the transition to a less
32 restrictive and more family-like setting if he or she becomes a
33 nonminor dependent. The case planning process shall include
34 informing the youth of all of his or her options, including, but not
35 limited to, admission to or continuation in a group home placement.
36 Consideration for continuation of existing group home placement
37 for a nonminor dependent under 19 years of age may include the
38 need to stay in the same placement in order to complete high
39 school. After a nonminor dependent either completes high school
40 or attains his or her 19th birthday, whichever is earlier, continuation

1 in or admission to a group home is prohibited unless the nonminor
2 dependent satisfies the conditions of paragraph (5) of subdivision
3 (b) of Section 11403, and group home placement functions as a
4 short-term transition to the appropriate system of care. Treatment
5 services provided by the group home placement to the nonminor
6 dependent to alleviate or ameliorate the medical condition, as
7 described in paragraph (5) of subdivision (b) of Section 11403,
8 shall not constitute the sole basis to disqualify a nonminor
9 dependent from the group home placement.

10 (2) In addition to the requirements of paragraph (1), and taking
11 into account other statutory considerations regarding placement,
12 the selection of the most appropriate home that will meet the child's
13 special needs and best interests shall also promote educational
14 stability by taking into consideration proximity to the child's school
15 of origin, and school attendance area, the number of school
16 transfers the child has previously experienced, and the child's
17 school matriculation schedule, in addition to other indicators of
18 educational stability that the Legislature hereby encourages the
19 State Department of Social Services and the State Department of
20 Education to develop.

21 (d) A written case plan shall be completed within a maximum
22 of 60 days of the initial removal of the child or of the in-person
23 response required under subdivision (f) of Section 16501 if the
24 child has not been removed from his or her home, or by the date
25 of the dispositional hearing pursuant to Section 358, whichever
26 occurs first. The case plan shall be updated, as the service needs
27 of the child and family dictate. At a minimum, the case plan shall
28 be updated in conjunction with each status review hearing
29 conducted pursuant to Section 366.21, and the hearing conducted
30 pursuant to Section 366.26, but no less frequently than once every
31 six months. Each updated case plan shall include a description of
32 the services that have been provided to the child under the plan
33 and an evaluation of the appropriateness and effectiveness of those
34 services.

35 (1) It is the intent of the Legislature that extending the maximum
36 time available for preparing a written case plan from 30 to 60 days
37 will afford caseworkers time to actively engage families, and to
38 solicit and integrate into the case plan the input of the child and
39 the child's family, as well as the input of relatives and other
40 interested parties.

(2) The extension of the maximum time available for preparing a written case plan from the 30 to 60 days shall be effective 90 days after the date that the department gives counties written notice that necessary changes have been made to the Child Welfare Services Case Management System to account for the 60-day timeframe for preparing a written case plan.

(e) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

(f) The case plan shall be developed as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention. The child shall be involved in developing the case plan as age and developmentally appropriate.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals.

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) The case plan shall include a description of the schedule of the social worker contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or a social worker on the staff of the social services agency in the state in which the child has been placed shall visit the child in a foster family home or the home of a relative, consistent with federal law and in accordance with the department's approved state plan. For children in out-of-state group home facilities, visits shall be conducted at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a regularly scheduled social worker contact with the foster child, the child's social worker shall inform the child of his or her rights as a foster child, as specified in Section 16001.9. The social worker

1 shall provide the information to the child in a manner appropriate
2 to the age or developmental level of the child.

3 (5) (A) When out-of-home services are used, the frequency of
4 contact between the natural parents or legal guardians and the child
5 shall be specified in the case plan. The frequency of those contacts
6 shall reflect overall case goals, and consider other principles
7 outlined in this section.

8 (B) Information regarding any court-ordered visitation between
9 the child and the natural parents or legal guardians, and the terms
10 and conditions needed to facilitate the visits while protecting the
11 safety of the child, shall be provided to the child's out-of-home
12 caregiver as soon as possible after the court order is made.

13 (6) When out-of-home placement is made, the case plan shall
14 include provisions for the development and maintenance of sibling
15 relationships as specified in subdivisions (b), (c), and (d) of Section
16 16002. If appropriate, when siblings who are dependents of the
17 juvenile court are not placed together, the social worker for each
18 child, if different, shall communicate with each of the other social
19 workers and ensure that the child's siblings are informed of
20 significant life events that occur within their extended family.
21 Unless it has been determined that it is inappropriate in a particular
22 case to keep siblings informed of significant life events that occur
23 within the extended family, the social worker shall determine the
24 appropriate means and setting for disclosure of this information
25 to the child commensurate with the child's age and emotional
26 well-being. These significant life events shall include, but shall
27 not be limited to, the following:

28 (A) The death of an immediate relative.

29 (B) The birth of a sibling.

30 (C) Significant changes regarding a dependent child, unless the
31 child objects to the sharing of the information with his or her
32 siblings, including changes in placement, major medical or mental
33 health diagnoses, treatments, or hospitalizations, arrests, and
34 changes in the permanent plan.

35 (7) If out-of-home placement is made in a foster family home,
36 group home, or other child care institution that is either a
37 substantial distance from the home of the child's parent or out of
38 state, the case plan shall specify the reasons why that placement
39 is in the best interest of the child. When an out-of-state group home
40 placement is recommended or made, the case plan shall, in

1 addition, specify compliance with Section 7911.1 of the Family
2 Code.

3 (8) Effective January 1, 2010, a case plan shall ensure the
4 educational stability of the child while in foster care and shall
5 include both of the following:

6 (A) An assurance that ~~the~~ *each* placement takes into account
7 the appropriateness of the current educational setting and the
8 proximity to the school in which the child is enrolled at the time
9 of placement.

10 (B) An assurance that the placement agency has coordinated
11 with the person holding the right to make educational decisions
12 for the child and appropriate local educational agencies to ensure
13 that the child remains in the school in which the child is enrolled
14 at the time of *each* placement or, if remaining in that school is not
15 in the best interests of the child, assurances by the placement
16 agency and the local educational agency to provide immediate and
17 appropriate enrollment in a new school and to provide all of the
18 child's educational records to the new school.

19 (9) (A) If out-of-home services are used, or if parental rights
20 have been terminated and the case plan is placement for adoption,
21 the case plan shall include a recommendation regarding the
22 appropriateness of unsupervised visitation between the child and
23 any of the child's siblings. This recommendation shall include a
24 statement regarding the child's and the siblings' willingness to
25 participate in unsupervised visitation. If the case plan includes a
26 recommendation for unsupervised sibling visitation, the plan shall
27 also note that information necessary to accomplish this visitation
28 has been provided to the child or to the child's siblings.

29 (B) Information regarding the schedule and frequency of the
30 visits between the child and siblings, as well as any court-ordered
31 terms and conditions needed to facilitate the visits while protecting
32 the safety of the child, shall be provided to the child's out-of-home
33 caregiver as soon as possible after the court order is made.

34 (10) If out-of-home services are used and the goal is
35 reunification, the case plan shall describe the services to be
36 provided to assist in reunification and the services to be provided
37 concurrently to achieve legal permanency if efforts to reunify fail.
38 The plan shall also consider in-state and out-of-state placements,
39 the importance of developing and maintaining sibling relationships
40 pursuant to Section 16002, and the desire and willingness of the

1 caregiver to provide legal permanency for the child if reunification
2 is unsuccessful.

3 (11) If out-of-home services are used, the child has been in care
4 for at least 12 months, and the goal is not adoptive placement, the
5 case plan shall include documentation of the compelling reason
6 or reasons why termination of parental rights is not in the child's
7 best interest. A determination completed or updated within the
8 past 12 months by the department when it is acting as an adoption
9 agency or by a licensed adoption agency that it is unlikely that the
10 child will be adopted, or that one of the conditions described in
11 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
12 be deemed a compelling reason.

13 (12) (A) Parents and legal guardians shall have an opportunity
14 to review the case plan, and to sign it whenever possible, and then
15 shall receive a copy of the plan. In a voluntary service or placement
16 agreement, the parents or legal guardians shall be required to
17 review and sign the case plan. Whenever possible, parents and
18 legal guardians shall participate in the development of the case
19 plan. Commencing January 1, 2012, for nonminor dependents, as
20 defined in subdivision (v) of Section 11400, who are receiving
21 AFDC-FC up to 21 years of age pursuant to Section 11403, the
22 transitional independent living case plan, as set forth in subdivision
23 (y) of Section 11400, shall be developed with, and signed by, the
24 nonminor.

25 (B) Parents and legal guardians shall be advised that, pursuant
26 to Section 1228.1 of the Evidence Code, neither their signature on
27 the child welfare services case plan nor their acceptance of any
28 services prescribed in the child welfare services case plan shall
29 constitute an admission of guilt or be used as evidence against the
30 parent or legal guardian in a court of law. However, they shall also
31 be advised that the parent's or guardian's failure to cooperate,
32 except for good cause, in the provision of services specified in the
33 child welfare services case plan may be used in any hearing held
34 pursuant to Section 366.21 or 366.22 as evidence.

35 (13) A child shall be given a meaningful opportunity to
36 participate in the development of the case plan and state his or her
37 preference for foster care placement. A child who is 12 years of
38 age or older and in a permanent placement shall also be given the
39 opportunity to review the case plan, sign the case plan, and receive
40 a copy of the case plan.

1 (14) The case plan shall be included in the court report and shall
2 be considered by the court at the initial hearing and each review
3 hearing. Modifications to the case plan made during the period
4 between review hearings need not be approved by the court if the
5 casework supervisor for that case determines that the modifications
6 further the goals of the plan. If out-of-home services are used with
7 the goal of family reunification, the case plan shall consider and
8 describe the application of subdivision (b) of Section 11203.

9 (15) If the case plan has as its goal for the child a permanent
10 plan of adoption or placement in another permanent home, it shall
11 include a statement of the child's wishes regarding their permanent
12 placement plan and an assessment of those stated wishes. The
13 agency shall also include documentation of the steps the agency
14 is taking to find an adoptive family or other permanent living
15 arrangements for the child; to place the child with an adoptive
16 family, an appropriate and willing relative, a legal guardian, or in
17 another planned permanent living arrangement; and to finalize the
18 adoption or legal guardianship. At a minimum, the documentation
19 shall include child-specific recruitment efforts, such as the use of
20 state, regional, and national adoption exchanges, including
21 electronic exchange systems, when the child has been freed for
22 adoption. If the plan is for kinship guardianship, the case plan shall
23 document how the child meets the kinship guardianship eligibility
24 requirements.

25 (16) (A) When appropriate, for a child who is 16 years of age
26 or older and, commencing January 1, 2012, for a nonminor
27 dependent, the case plan shall include a written description of the
28 programs and services that will help the child, consistent with the
29 child's best interests, prepare for the transition from foster care to
30 independent living, and whether the youth has an in-progress
31 application pending for Title XVI Supplemental Security Income
32 benefits or for Special Juvenile Immigration Status or other
33 applicable application for legal residency and an active dependency
34 case is required for that application. When appropriate, for a
35 nonminor dependent, the case plan shall include a written
36 description of the program and services that will help the nonminor
37 dependent, consistent with his or her best interests, to prepare for
38 transition from foster care and assist the youth in meeting the
39 eligibility criteria set forth in Section 11403. If applicable, the case
40 plan shall describe the individualized supervision provided in the

supervised independent living setting as defined, in subdivision (w) of Section 11400. The case plan shall be developed with the child or nonminor dependent and individuals identified as important to the child or nonminor dependent, and shall include steps the agency is taking to ensure that the child or nonminor dependent achieves permanence, including maintaining or obtaining permanent connections to caring and committed adults.

(B) During the 90-day period prior to the participant attaining 18 years of age or older as the state may elect under Section 475(8)(B)(iii) (42 U.S.C. Sec. 675(8)(B)(iii)) of the federal Social Security Act, whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under Section 477 (42 U.S.C. Sec. 677) of the federal Social Security Act, a caseworker or other appropriate agency staff or probation officer and other representatives of the participant, as appropriate, shall provide the youth or nonminor with assistance and support in developing the written 90-day transition plan, that is personalized at the direction of the child, information as detailed as the participant elects that shall include, but not be limited to, options regarding housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services, a power of attorney for health care and information regarding the advance health care directive form.

(17) For youth 16 years of age and older and nonminor dependents, the case plan shall include documentation that the youth received a yearly consumer credit report, at no charge to the youth. If the consumer credit report reveals any inaccuracies, the case plan shall detail the assistance the youth or nonminor dependent will receive to resolve the inaccuracies.

(g) If the court finds, after considering the case plan, that unsupervised sibling visitation is appropriate and has been consented to, the court shall order that the child or the child's siblings, the child's current caregiver, and the child's prospective adoptive parents, if applicable, be provided with information necessary to accomplish this visitation. This section does not require or prohibit the social worker's facilitation, transportation, or supervision of visits between the child and his or her siblings.

(h) The case plan documentation on sibling placements required under this section shall not require modification of existing case

1 plan forms until the Child Welfare Services Case Management
2 System is implemented on a statewide basis.

3 (i) When a child who is 10 years of age or older and who has
4 been in out-of-home placement for six months or longer, the case
5 plan shall include an identification of individuals, other than the
6 child's siblings, who are important to the child and actions
7 necessary to maintain the child's relationship with those
8 individuals, provided that those relationships are in the best interest
9 of the child. The social worker shall ask every child who is 10
10 years of age or older and who has been in out-of-home placement
11 for six months or longer to identify individuals other than the
12 child's siblings who are important to the child, and may ask any
13 other child to provide that information, as appropriate. The social
14 worker shall make efforts to identify other individuals who are
15 important to the child, consistent with the child's best interests.

16 (j) The child's caregiver shall be provided a copy of a plan
17 outlining the child's needs and services.

18 (k) (1) On or before June 30, 2008, the department, in
19 consultation with the County Welfare Directors Association and
20 other advocates, shall develop a comprehensive plan to ensure that
21 90 percent of foster children are visited by their caseworkers on a
22 monthly basis by October 1, 2011, and that the majority of the
23 visits occur in the residence of the child. The plan shall include
24 any data reporting requirements necessary to comply with the
25 provisions of the federal Child and Family Services Improvement
26 Act of 2006 (Public Law 109-288).

27 (2) *Effective October 1, 2011, the total number of monthly*
28 *caseworker visits to children in foster care shall not be less than*
29 *90 percent of the total number of monthly caseworker visits that*
30 *would occur if each child is visited once per month.*

31 (3) *Effective October 1, 2011, no less than 50 percent of the*
32 *total monthly caseworker visits conducted by the caseworker shall*
33 *occur in the child's residence.*

34 (4) *Effective October 1, 2014, the total number of monthly*
35 *caseworker visits to children in foster care shall not be less than*
36 *95 percent of the total number of monthly caseworker visits that*
37 *would occur if each child is visited once per month.*

38 (5) *The department, along with the county welfare and probation*
39 *departments, shall collect and provide any data reporting*
40 *requirements necessary to comply with the federal Child and*

1 *Family Services Improvement and Innovation Act (Public Law*
2 *112-34).*

3 (l) The implementation and operation of the amendments to
4 subdivision (i) enacted at the 2005–06 Regular Session shall be
5 subject to appropriation through the budget process and by phase,
6 as provided in Section 366.35.

7 *SEC. 7. Section 16601 of the Welfare and Institutions Code is*
8 *amended to read:*

9 16601. For purposes of this part, the following terms shall have
10 the following meaning:

11 (a) “Adoption promotion and support services,” as defined by
12 Section 431 of the federal Social Security Act (42 U.S.C. Sec.
13 629a), means services and activities designed to encourage more
14 adoptions out of the foster care system, when adoptions promote
15 the best interests of children, including activities such as
16 preadoptive and postadoptive services and activities designed to
17 expedite the adoption process and support adoptive families.

18 (b) “Family preservative services,” as defined by Section 431
19 of the federal Social Security Act (42 U.S.C. Sec. 629a), means
20 services for children and families designed to help families,
21 including adoptive and extended families, at risk or in crisis,
22 including all of the following:

23 (1) Services programs designed to help children return to
24 families from which they have been removed, where safe and
25 appropriate, or be placed for adoption or with a legal guardian, or,
26 if adoption or legal guardianship is determined not to be safe and
27 appropriate for the child, in some other planned, permanent living
28 arrangement.

29 (2) Preplacement preventive services programs, including, but
30 not limited to, intensive family preservation programs designed
31 to help children at risk of foster care placement remain safely with
32 their families.

33 (3) Service programs designed to provide followup care to
34 families to whom a child has been returned after a foster care
35 placement.

36 (4) Respite care of children to provide temporary relief for
37 parents and other caregivers, including, but not limited to, foster
38 parents.

39 (5) Services designed to improve parenting skills by reinforcing
40 parents’ confidence in their strengths and helping them to identify

1 where improvement is needed and to obtain assistance in improving
2 those skills with respect to matters such as child development,
3 family budgeting, coping with stress, health, and nutrition.

4 (6) Infant safe haven programs that provide a way for a parent
5 to safely relinquish a newborn infant at a safe haven designated
6 pursuant to state law.

7 (c) “Family support services,” as defined by Section 431 of the
8 federal Social Security Act (42 U.S.C. Sec. 629a), means
9 community-based services, *including mentoring*, to promote the
10 safety and well-being of children and families. This includes
11 services designed to increase the strength and stability of families,
12 including adoptive, foster, and extended families, to increase
13 parents’ confidence and competence in their parenting abilities,
14 to afford children a safe, stable, and supportive family environment,
15 to strengthen parental relationships and promote healthy marriages,
16 and otherwise to enhance child development.

17 (d) “Time-limited family reunification services,” as defined by
18 Section 431 of the federal Social Security Act (42 U.S.C. Sec.
19 629a), means the services and activities described in Section
20 629(a)(7) (B) of Title 42 of the United States Code that are
21 provided to a child that is removed from the child’s home and
22 placed in a foster family home or a child care institution and to
23 the parents or primary caregiver of the child, in order to facilitate
24 the reunification of the child safely and appropriately within a
25 timely fashion, but only during the 15-month period that begins
26 on the date that the child is considered to have entered foster care,
27 pursuant to Section 675(5)(F) of Title 42 of the United States Code.
28 *This includes peer-to-peer mentoring and support groups for*
29 *parents and primary caregivers, as well as services and activities*
30 *to facilitate access to and visitation of children with parents and*
31 *siblings.*

32 *SEC. 8. If the Commission on State Mandates determines that*
33 *this act contains costs mandated by the state, reimbursement to*
34 *local agencies and school districts for those costs shall be made*
35 *pursuant to Part 7 (commencing with Section 17500) of Division*
36 *4 of Title 2 of the Government Code.*

37 ~~SECTION 1. It is the intent of the Legislature to enact~~
38 ~~legislation to comply with the requirements of the federal CAPTA~~
39 ~~Reauthorization Act of 2010 (Public Law 111-320) and the Child~~

1 ~~and Family Services Improvement and Innovation Act (Public~~
2 ~~Law 112-34).~~

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